

At the outset, Applicants note that the Examiner has based the rejection over Pauley and Waterson on an interpretation of Claim 3 as encompassing a “single nucleotide” (paper number 13, page 4, lines 7-9). However, in view of the present amendment, this interpretation is now believed to be moot.

Further, Applicants note that Pauley and Waterson only disclose a 56093 bp fragment from human chromosome 7q21-7q22 comprising the HERV-7q sequence of the invention (positions 28066 to 38281) and specifies that the sequence corresponding to positions 21507 to 37303, which lacks part of the HERV-7 sequence, shows similarity to various *ss-RNA virus polyproteins*. Accordingly, Pauley and Waterson do not disclose or suggest the HERV-7q sequence (SEQ ID NO: 3), fragment thereof corresponding to the env domain (SEQ ID NO: 1) or the gag domain (SEQ ID NO: 2), or sequences homologous to said env or gag domains (SEQ ID NO: 4-22, 28 or 61).

Moreover, Applicants submit that a purified polynucleotide comprising a sequence selected from SEQ ID NOs: 3-5, 7-9, 11-12, 14-16, 18, 20-22, and 61, a complementary sequence thereof, or a reverse complementary sequence thereof would not be obvious in view of the disclosure by Pauley and Waterson. Specifically, SEQ ID NO:3 is not obvious in view of Pauley and Waterson, since it is not included but is overlapping partially the region homologous to ss-RNA virus polyproteins specified in Pauley and Waterson. Regarding the sequences of SEQ ID NO: 1 and SEQ ID NO: 2 and other homologous sequences, they are also not obvious since Pauley and Waterson is silent with respect to gag or env retroviral sequences.

Withdrawal of this ground of rejection is requested.

The rejection of Claim 3 under 35 U.S.C. §112, second paragraph, is obviated by amendment. Withdrawal of this ground of rejection is requested.

The objections to Claim 3 are obviated by amendment. Applicants request withdrawal of these grounds of objection.

Regarding the Examiner's statement on page 2, numbered paragraph 3, in paper number 13, Applicants note that the present application is a 371 of PCT/FR99/01513 filed on June 23, 1999. Therefore, the priority application, FR 98 07920 (filed on June 23, 1998), should be obtained from the International Bureau. In fact, as evidenced by the enclosed copy of Form PCT/DO/EO/903 mailed September 14, 2001, the U.S. Patent Office has received this priority document. If for some reason, the Office is not in possession of FR 98 07920, it is requested that it be obtained from the International Bureau in accordance with MPEP §1893.03(c).

Applicants submit that the present application is in condition for allowance. Early notification to this effect is respectfully requested.

Respectfully submitted,

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IN THE CLAIMS

Please cancel original Claims 1-37 and insert therefor new Claims 38-56.



## UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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PCT/FR99/01513

I.A. FILING DATE	PRIORITY DATE
23 JUN 99	23 JUN 98

DATE MAILED: 14 SEP 2001

NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371  
AND 37 CFR 1.494 OR 1.495

1. The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as ☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495), has determined that the above-identified international application has met the requirements of 35 U.S.C. 371, and is **ACCEPTED** for national patentability examination in the United States Patent and Trademark Office.

2. The United States Application Number assigned to the application is shown above and the relevant dates are:

18 JAN 01

18 JAN 01

DATE OF RECEIPT OF

DATE OF RECEIPT OF ALL

35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS

35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above-identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

3. ☒ A request for immediate examination under 35 U.S.C. 371(f) was received on 26 DEC 00 and the application will be examined in turn.

4. The following items have been received:

- ☒ U.S. Basic National Fee.
- ☒ Copy of the international application.
- ☒ Translation of the international application into English.
- ☒ Oath or Declaration of inventors(s).
- ☐ Copy of Article 19 amendments. ☐ Translation of Article 19 amendments into English.
- The Article 19 amendments ☐ have ☐ not been entered.
- ☒ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Copy of the Annexes to the International Preliminary Examination Report (IPER).
- ☐ Translation of Annexes to the IPER into English.

The Annexes ☐ have ☐ not been entered.

- ☒ Preliminary amendment(s) filed 26 DEC 00 and \_\_\_\_\_
- ☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_
- ☐ Assignment document.
- ☐ Power of Attorney and/or Change of Address.
- ☐ Substitute specification filed \_\_\_\_\_
- ☐ Indication of Small Entity Status.
- ☒ Priority Document.
- ☒ Copy of the International Search Report ☒ and copies of the references cited therein.
- ☐ Other:

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MAR 25 2003  
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SEP 18 2001OBLON, SPIVAK, MCCLELLAN  
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Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to